

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center-28307 Clayton Street  
September 3, 2020

I. Call Meeting to Order:

Chairman Brad Connor called the meeting to order at 6:00 p.m.

Those in attendance were: Chairman Brad Connor, Co-Chairperson Cathy Flowers, Commissioner Cindy Gallimore, Commissioner Earl Savage, Commissioner Audrey Miller, Town Administrator Cindi Brought, Engineering Consultant Kyle Gulbranson, Clay Snead of Snead Properties, Carlton Savage of Scaled Engineering, and Gayle Chandler.

II. Public Comment:

No public comment was made.

III. Approval of Agenda:

Commissioner Earl Savage made a motion to approve the agenda. Co-Chairperson Cathy Flowers seconded the motion. All were in favor.

IV. Approval of Minutes:

A. March 5, 2020

Commissioner Earl Savage made a motion to approve the minutes. Commissioner Audrey Miller seconded the motion. All were in favor.

V. New Business:

- A. Snead Properties – Preliminary Site Plan Liquor Store Vines Creek (Lot)
- B. Change of Use – Five-Star Plumbing, Heating, & Cooling (previously Red Barn) 28336 Clayton St.

A. Snead Properties – Preliminary Site Plan Liquor Store Vines Creek Rd (Lot)

Carlton Savage with Scaled Engineering, Inc. introduced himself and Mr. Clay Snead, the developer for the property and potential owner of the project. They presented the Vines Creek Retail Store and advised that the use of the property is intended to be a retail store for alcoholic beverages (Liquor Store). The property is located at 29471 Vines Creek Road, Tax Map Parcel 2-33-11.00-131.05. They presented a 3,000 square foot retail shop with future expansion. The future expansion is intended to be approximately another 2,400 square feet, which would be referred to as Phase II of the property. They explained that with liquor stores, if successful, you typically need more storage or space. To keep finances down initially they would like to start with Phase I. They presented enough parking spaces with the Phase I plan to account for the future expansion. The property is zoned Town Center and a liquor store is allowed in this zoning. Engineering Consultant Gulbranson reviewed what was submitted and gave comments.

Based on the amount of retail space inside the building, which is about 2,280 square feet in Phase I, they presented fourteen parking spaces. The proposed phases would have twenty-three parking spaces, two of which are handicap spaces.

Mr. Carlton Savage stated that one of Engineering Consultant Gulbranson's comments, that could be a big issue, should be discussed during this meeting. In Town Center there is a provision in the Code regarding parking in front of the property. The intention is to put the buildings in the front of the property to create a town look, which forces all the parking to be behind the property. There are two adjacent businesses, that were residential at one time and the buildings are to the front and parking is to the front and on the side of the property.

The Code was reviewed by Mr. Carlton Savage and they brought a plan showing that and considered both options for the property. With a liquor store use you tend to have concerns about the safety of the property. With the parking in the rear, you would have to light it more and there are residents behind the property that would be affected. For security the plan was to put the building in the back and parking in the front. After speaking with other liquor stores in the area, for security reasons, parking in the front works best for a liquor store. Other comments from AECOM related to landscaping and screening will be presented per the Code. They did not show any mid space landscape areas, mainly because of any potential trucks that would come in and circulate. The parking spaces in the middle of the parking lot become problematic. There should be no large tractor trailers, but there are beer and distributor trucks and they would like to keep the space open.

Mr. Carlton Savage stated that they were aware that they need Conservation District approval for Storm Water Management and Erosion Control and the Del Dot process for an entrance. The entrance they are proposing is as you are going East it would be on the left side, facing the property. They felt this was the best location as there is already a stoned area there. They are putting in 25 foot drive isles, which meet the Code. The parking spaces are the correct size. As for landscaping they would come back with a much better plan. It shows some trees on the preliminary plan, but they know they have to screen the dumpster and any other screening that may be required. The State Fire Marshal's office will be contacted for the building and for the site.

Mr. Clay Snead stated that he was born and raised in Millsboro and still resides there presently. He is a Commercial Lender for M&T Bank and that experience has given him the opportunity and advantage to monitor projects such as this and allows him to know every detail and how to manage it from the bank's perspective. His experience has given him the opportunity to understand industries, as far as what is profitable, as the underwriter for deals prior to funding a loan. He stated that he has been in banking for twelve years, starting with PNC Bank as the Bank Manager and grew to be a District Manager and then went from Retail into Commercial Lending. Mr. Clay Snead started Snead Property Management seven years ago. He stated they have done twenty-four transactions which include Rental Properties and Residential Construction. He has been seeking this out for about eighteen months, but wanted to wait for the right opportunity. Over the past eighteen months, he has received direction from other local liquor store owners, which have mentored him through the process, even through the purchase of this property. Some of the things that they brought up to him were about the lighting of the property, how it reduces the risk, and how retail customers like to come in and leave quickly. He stated that within three years they are looking to bring 6-8 jobs to the community, two full time and the rest part time. Due to the area and the transient business for beach traffic he could see doing a third full time position within five years.

Engineering Consultant Gulbranson stated that the site plan is in pretty good shape, and had most of the information there; other comments were housekeeping issues, and would be addressed with the final site plan. He advised that Sussex County provides the sewer; it is not the Town of Dagsboro. The two larger issues with the plan is that in the Town Center zoning district. It is to look like a downtown, small town location, less suburban in nature. The Code calls for buildings to be placed closer to the road with parking in the rear and to try to approximate the setback of the two adjacent properties, which is about thirty feet. Mr. Gulbranson asked Mr. Carlton Savage how far back the building was. Mr. Carlton Savage stated that the whole property is 267 feet and probably 120 feet back. Mr. Gulbranson explained that the Code states is how things are supposed to be developed, especially for new construction within the Town Center. It also says that the Planning and Zoning Commission, for good reason, can advocate having the parking in the front. The second issue is the planting island in the parking lot due to the number of spaces you have you are only required to have one. Mr. Carlton Savage stated that it just worked out and therefore they did two.

Co-Chairperson Cathy Flowers stated that the building seemed very large to her and close to the Ward property. She stated she is opposed to it, as are some other people within the town. She stated that traffic is horrendous in that area and is backed up, especially on weekends, onto Vines Creek Rd. She stated she is also not crazy about it being that close to a church. She stated we were a "dry" town for a very long time and then Bananas came in and they were nothing but trouble. She stated Savannah Discount Liquors is still out in Savannah Square and it seems pretty quiet and she is not sure that they have a lot of business; therefore she is not sure how well he would do. She stated she thinks it is a great idea, but she doesn't think that is the right spot. She feels that he would do better out on the highway. Engineering Consultant Gulbranson stated that making a left out of this facility in the summertime is going to be difficult.

Mr. Clay Snead stated that in Commercial Lending he came across several stores and it is recession proof. It is actually the number one service industry during COVID and prior to COVID it was one of the top industries. He stated that he is fairly confident as you don't often see a liquor store license sold. Liquor stores are very hard to come by and there are only a few spots left in Sussex County that one could go. He stated that it is a very competitive market, which speaks to how profitable it can be.

Engineering Consultant Gulbranson stated that due to the proximity of the Chapel, the town's only National Register designated site in Town that's in the Town Center District, all new construction in Dagsboro has to follow the design guidelines that we have and the building will have to meet those guidelines when you get to that point.

Mr. Carlton Savage stated that in terms of traffic all of that is going to come up with Del Dot. He stated that this area is a low speed area in Town so it is 25mph. Co-Chairperson Cathy Flowers stated, "No it is not," "it doesn't matter what the posted speed is, they are avoiding the highway so they are doing highway speed through the town."

Commissioner Earl Savage stated that he also has a concern with the traffic. Any business coming into Town he would like to see successful, but traffic is horrible. He stated that he lives a couple of houses down from the proposed building and he has given up making a left turn getting out of his driveway. To add any business to that stretch there particularly, the stretch up to the traffic light at the corner of the cemetery, he has some real concerns about the traffic. He realizes that Del Dot will be the ones that establish the approval, but from his personal stand point he has some problems with it.

Commissioner Cindy Gallimore stated that she agrees with Co-Chairperson Cathy Flowers. In the March minutes, there were things said to Mr. Morse and I quote second paragraph "the main concern is that the buildings fit in with the small town atmosphere of Dagsboro and to try to look residential and to remember the Town District Center is a mixed use, which is both commercial and residential." Commissioner Cindy Gallimore stated that she doesn't see this and along with the traffic issue she doesn't feel they are going to fit in the small town atmosphere.

Chairman Brad Connor asked Engineering Consultant Gulbranson if he was right or wrong in that their decision can only be based on the use as far as how the property is zoned and if it is an available use. If we were to deny it, what grounds would we have to deny it? Engineering Consultant Gulbranson stated that it is a permitted use of the district. The two items we look at is the placement of the building, whether it is towards the front or pushed back, as it is on the plan. He stated that their recommendation is based on the site plan. If there are issues with the site plan, then your recommendation could be due to placement of the building, parking lot, or traffic concerns and those are valid concerns.

Chairman Brad Connor asked Mr. Clay Snead and Mr. Carlton Savage what Del Dot had said. Mr. Carlton Savage stated they have not approached them as of yet and they wanted to see what the P&Z concerns were first. Mr. Carlton Savage stated that he views the traffic concern as no matter what business you put here, ultimately as the town grows you are going to have new businesses and they are going to have the same issue with trying to get in and out of traffic. In fact, businesses want the traffic, and unless Del Dot comes up with a bypass or a way around it you are always going to have the traffic. He stated he would love to fix the traffic issues with this site plan, but he can't. His biggest concern is making sure the entrance is designed right and with adequate visibility.

Mr. Carlton Savage stated that as far as the look, they have to meet the Code, and he doesn't think Mr. Clay Snead has a problem with trying to make it look like a nicer property that would add value to the character of the town. We can work with the architect on that. He stated that their intent is to be a vital part of the town. He stated that a liquor store, believe it or not, is a business that supports the town and those customers that drink alcohol. As you gain more residents and businesses it goes hand in hand. As the town grows you plan these items to be in your town verses having to make more trips to and from the town.

Co-chairperson Cathy Flowers asked if before they make a decision about the parking lot, could they see what the residents want as it will impact them as well. It will affect them with lighting and possibly using their driveway to turn around. Mr. Carlton Savage stated that the building will block a lot of that to the residents behind. The building will have the storm water pond behind it so there won't be anyone behind the building and we could put some extra screening back there as well. He stated the side effect if we put the building in the front, imagine the whole site plan flipping upside down, we would still keep the pond in the back as a buffer, but with lights and car movement you would have no buffer of the building anymore. We prepared both plans and submitted the one we felt better suited

the Town and the needs of this property. We definitely understood that the Town Code mentioned the building in the front and I do have plans if you want to look at them. There are good and bad to both plans and it is hard to say one is better than the other. He stated one goes with the intent of what the Town Code states, but clearly, we would rather see the building in the back and parking in the front. Engineering Consultant Gulbranson asked if Snead Property Management owned the property or is it contingent on the site plan approval and Mr. Clay Snead stated yes and that they are scheduled for closing on the 18<sup>th</sup>.

Commissioner Earl Savage asked about the hours of the operation for the store. Mr. Clay Snead stated that the proposed hours would be Monday through Thursday 9 am to 10 pm, Friday and Saturday 9 am to 11 pm and Sunday 10 am to 8 pm.

Commissioner Audrey Miller asked Mr. Clay Snead if he had a particular store that inspired what he was looking to bring to Town that could help with the negative mind set. Mr. Snead stated that the name of the business is Top Shelf. He stated that the image they are portraying is that customers can go into a beer and wine store and have a nice experience. From the architecture on the outside to how the store looks on the inside. They are not buying cheap shelving and are purchasing the top premier cooler system. Mr. Snead stated that it will be a higher end store.

Chairman Brad Connor stated that the lot was originally bought by the Town as a potential location for the Town Hall and the previous owner feels he possibly provided an easement in the back for access. Engineering Consultant Gulbranson asked if he was referencing Ward Lane, and Chairman Brad Connor stated yes. Engineering Consultant Gulbranson stated that if they were planning to utilize it then Del Dot needs to be aware of it, and that it should be referenced in the deed. Mr. Carlton Savage stated that they have not completed the survey work. Mr. Carlton Savage also stated that in the deed he believes that this property and the Ward property were somehow connected and there was an access provided maybe 30 to 50 feet off this property just to the rear. Chairman Brad Connor stated that it is imperative that you get Del Dot approval. Mr. Carlton Savage stated that yes tonight's meeting was to answer the Engineer's questions and get an answer since we are proposing the building in the back. As for Del Dot, we plan to meet with them next. We have to put together the traffic generation numbers that they like to see. Generally in a town setting you don't end up with turn lanes because you are 25 mph. He stated that they make them dedicate some land as far as right of ways, which we have no issue doing. There is an existing tree in the front yard and depending on visibility and how close we get to the road, the less chance that tree could stay. We also need to meet with the Conservation District regarding storm water; it may affect where the feature is, but not the plan as a whole. Mr. Carlton Savage stated that both plans should meet all the Fire Marshall regulations as they are well below the 10,000 square feet and no fire lanes or sprinkler systems most likely would be required. However, we have to go through their process and make sure the apparatus can access the property with the Dagsboro Fire Department.

Chairman Brad Connor inquired if they had applied with the Alcohol Beverage Commission. Mr. Clay Snead stated that he has not as he has been working with a consultant and she recommends waiting until they have a clear direction with Del Dot. Chairman Brad Connor stated that they have a procedure and it has to be advertised for two weeks and send notice to property owners, which may require a hearing through ABC.

Engineering Consultant Gulbranson stated that he just wants to remind the Commission that once you set precedence it is hard to go backwards. The commission briefly discussed the lighting and felt it needs to be screened towards the building. Commissioner Audrey Miller feels that parking in the front would give a better vibe. Chairman Brad Connor stated that they really need to read the sign section of the code. Mr. Snead stated that he plans on doing something classier with a logo. Commissioner Earl Savage stated that his main concern with parking behind the building, with the old saying "out of sight, out of mind", feels it would encourage people to pull in behind the building and do whatever as no one would know they were back there. Chairman Brad Connor stated that Planning and Zoning Commission has to be careful as to what they decide and how it affects projects going forward. Commissioner Cathy Flowers stated that she didn't want to set precedence. Engineering Consultant Gulbranson stated to keep in mind that you are making a recommendation to the Town Council and ultimately they make the final decision. Co-Chairperson Cathy Flowers confirmed with parking in the front that they are setting a precedent.

After much discussion on setting precedent, Commissioner Earl Savage made a motion to recommend Preliminary Site Plan approval for Snead Properties-Vines Creek Retail Store; it should be approved with parking in the front of the building due to security reasons. Commissioner Audrey Miller seconded the motion. All were in favor of the recommendation with parking in front of the building for security and safety reasons.

B. Change of Use – Five-Star Plumbing, Heating, & Cooling (previously Red Barn) 28336 Clayton St.

Commissioner Earl Savage motioned to approve the Change of Use. Co-Chairperson Cathy Flowers seconded the motion. All were in favor.

VI. Old Business:

VII. Public Comment:

No public comment was made.

VIII. Adjournment:

Commissioner Earl Savage made a motion to adjourn. Commissioner Audrey Miller seconded the motion. All were in favor.

Meeting adjourned at 7:00 p.m.

Respectfully Submitted,

Stacy West, Town Clerk